

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL DAVITT,
 #91072

Plaintiff,

vs.

DEBRA BROOKS, *et al.*,

Defendants.

3:10-cv-0180-HDM-RAM

ORDER

Plaintiff is a prisoner proceeding *pro se* and has submitted a complaint (#1) attempting to initiate a civil rights action pursuant to 42 U.S.C. § 1983. He did not submit an application to proceed *in forma pauperis* or pay the filing fee. On at least three (3) occasions, the Court has dismissed civil actions commenced by Plaintiff for being frivolous.¹ On May 3, 2010, plaintiff was directed to pay the full \$350 filing fee or this action would be dismissed (docket #4). Plaintiff has failed to pay the fee as required. Therefore, the complaint shall be filed and dismissed.

IT IS THEREFORE ORDERED that the clerk shall file the complaint submitted on March 31, 2010 (docket #1-1).

¹ See *Davitt v. Hellig*, 3:08-cv-0604-LRH-VPC; *Davitt v. McDaniel*, 3:09-cv-0028-ECR-RAM; *Davitt v. McDaniel*, 3:09-cv-0074-RCJ-RAM. The Court takes judicial notice of its prior records in the above matters.

1 **IT IS FURTHER ORDERED** that the complaint is **dismissed** without prejudice.
2 The Clerk shall enter judgment accordingly.

3 DATED: June 29, 2010.

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6 UNITED STATES DISTRICT JUDGE

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